



Monroe County Legislature

Office of the Republican Majority

November 12, 2019

To the Honorable
Monroe County Legislature
407 County Office Building
Rochester NY, 14614

Subject: Enacting a Local Law entitled "Checks And Balances for Legislative Equality (CABLE) Act of 2019"

Honorable Legislators:

Periodically, it is the tradition of this Honorable Body to evaluate its powers and procedures to ensure that transparency and accountability are the foundation of Monroe County Government. As the Legislative branch of County government, it is imperative that we identify additional opportunities to provide the checks and balances the taxpayers demand.

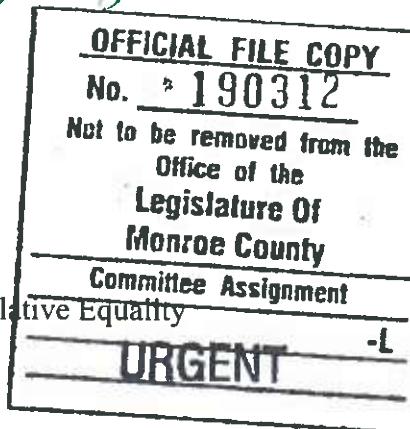
The CABLE Act of 2019 will amend the Monroe County Charter and Administrative Code and enhance the Legislature's oversight on County Operations and ensure that important decisions on contracts and how taxpayer dollars are spent are fully vetted through the Legislative process with the opportunity for input from Monroe County residents. For example, in 2014 when the last omnibus Charter Amendments were enacted, the threshold for Legislative approval of contracts was increased to \$20,000 from \$5,000 with an understanding that roughly six contracts would fall between those amounts. Today, that number is now over sixty contracts annually. The CABLE Act of 2019 will revert back to the original amount of \$5,000 so the Legislature has oversight over those contracts each year.

As Monroe County transitions to its next County Executive, the CABLE Act of 2019 will amend the Monroe County Charter and Administrative Code to ensure for a smooth transition that will enable the Legislature's knowledge and experience to assist the new Administration.

The specific legislative action required is

1. Schedule and hold a Public Hearing on the proposed Local Law.
2. Enact a Local Law entitled "Checks And Balances for Legislative Equality (CABLE) Act of 2019."

This Local Law will have no impact on the revenues or expenditures of the current Monroe County Budget.



I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,



Dr. Joe Carbone
Monroe County Legislature
President



Brian E. Marianetti
Monroe County Legislature
Majority Leader



R. Edwin Wilt
Monroe County Legislature
District 1



Mike Rockow
Monroe County Legislature
District 2



Tracy DiFlorio
Monroe County Legislature
District 3



Frank X. Allkofer
Monroe County Legislature
District 4



Karla F. Boyce
Monroe County Legislature
District 5



Fred Ancello
Monroe County Legislature
District 6



Matthew Terp
Monroe County Legislature
District 8



Debbie Drawe
Monroe County Legislature
District 9



Sean M. Delehanty
Monroe County Legislature
District 11



Steve Brew
Monroe County Legislature
District 12



John J. Howland
Monroe County Legislature
District 13



George J. Hebert
Monroe County Legislature
District 15

Kara C. Halstead

Kara C. Halstead
Monroe County Legislature
District 18

Kathleen A. Taylor

Kathleen A. Taylor
Monroe County Legislature
District 19

M. Zale

Mike Zale
Monroe County Legislature
District 20

By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. _____ OF 2019

LOCAL LAW ENTITLED "CHECKS AND BALANCES FOR LEGISLATIVE EQUALITY (CABLE) ACT OF 2019"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Monroe County Charter and Administrative Code are hereby amended to read as follows:

PART I CHARTER

Chapter C. CHARTER

Article II. County Legislature

§ C2-6. Powers and duties.

(7) To create and abolish positions in the classification, compensation plan and salary schedule established by the County Legislature, upon the recommendation of the County Executive, ~~and to delegate such power to the County Executive to such extent and in such manner as shall be set forth in § A5-5 of the Administrative Code.~~

(9) To confirm appointments of the County Executive to the positions of Directors of each County Department and the Records Management Officer, Records Access Officer, Commissioner of Human and Health Services, Commissioner of Social Services, County Attorney and Deputy County Executive, Director of Public Safety, Director of Public Health, Director of Parks, Executive Health Director of Monroe Community Hospital, Director of Transportation, Director of Aviation, Director of Office of Public Integrity, Director of Office for Veterans' Services, and Director of Human and Health Services in accordance with the procedures set forth in § A11-3 of the Administrative Code. [Amended 3-22-1988 by L.L. No. 1-1988, approved 4-22-1988; 6-28-1988 by L.L. No. 4-1988, approved 7-21-1988; 6-9-1992 by L.L. No. 5-1992, approved 7-2-1992; 9-10-1996 by L.L. No. 4-1996, approved 9-30-1996; 12-10-1996 by L.L. No. 13-1996, approved 9-30-1996; 11-12-2002 by L.L. No. 4-2003, approved 12-3-2002; 1-14-2003 by L.L. No. 6-2003, approved 1-30-2003; 3-8-2016 by L.L. No. 2-2016]

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PART I CHARTER
Chapter C. CHARTER

Article III Executive and Administrative Branch

§ C3-2 Powers and duties.

A. (11) ~~As delegated by the County Legislature and set forth in § A5-5 of the Administrative Code, to create and abolish positions in the classification, compensation plan and salary schedule established by the County Legislature, within budgetary appropriations therefor adopted by the County Legislature.~~

Added Language is underlined

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§ C3-3 Communication between the County Legislature and the County Executive.

[Amended 8-28-1980 by L.L. No. 5-1980; 6-28-1988 by L.L. No. 4-1988, approved 7-21-1988; 4-4-1989 by L.L. No. 2-1989, approved, 5-1-1989]

A. Requests for legitimate information allowed. The County Legislature, its committees and its members shall be entitled to request and obtain legitimate information on a County agency from the County Executive or from any County officer or agency head. ~~Responses from the County Executive or any County officer or agency head shall be delivered to the Clerk of the County Legislature within thirty (30) days of the date of the written request.~~

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PART I CHARTER
Chapter C. CHARTER

Article IV Financial Procedures

§ C4-2 Submission of annual budget.

A. Annual budget defined. On or before ~~November 15~~, October 15, the County Executive shall submit to the County Legislature the proposed annual budget for the ensuing fiscal year, which budget shall include:

[Amended 8-28-1980 by L.L. No. 5-1980; 9-14-1983 by L.L. No. 3-1983; 9-12-2006 by L.L. No. 8-2006, approved 10-2-2006]

(1) The proposed operating budget, which shall contain all estimated expenditures and revenues for the fiscal year for operating purposes, payments due for debt service and that portion of expenditures for capital projects to be funded from current revenues.

[Amended 6-10-2014 by L. L. No. 2-2014]

(2) The proposed capital budget, as defined in § C4-11A of this Charter.

(3) A summary of the approved capital improvement program for the ensuing six years.

(4) Summaries of the budgets of the Monroe Community Hospital, the Monroe Community ~~College~~ and all authorized agencies for which funds are proposed to be appropriated.

(5) The budget message, as specified in § A6-10 of the Administrative Code.

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PART I CHARTER
Chapter C. CHARTER

Article VI County Executive Departments/Offices/Bureaus

§ C6-3 Appointment of management staff within departments; County Executive as department head.

A. Appointment of management staff within departments. Within departments, department heads may appoint and dismiss, subject to the Civil Service Law of the State of New York, with the approval of the County Legislature, and other applicable law, deputy directors, division heads or administrators, other management staff and other personnel in accordance with County guidelines and procedures established from time to time.

B. County Executive as department head. The County Executive may, if authorized by the County Legislature, serve as the director or head of one or more of the departments or other agencies specified in this Article. Whenever so authorized, the County Executive shall appoint, with the approval of the County Legislature, a deputy director for such department or other agency.

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§ C6-5 Department of Finance; Office of the Controller; Office of Management and Budget; Office of Financial Services.

[Amended 4-4-1989 by L.L. No. 2-1989, approved 5-1-1989; 6-9-1992 by L.L. No. 5-1992, approved 7-2-1992; 6-29-1993 by L.L. No. 4-1993, approved 7-14-1993; 9-14-1993 by L.L. No. 6-1993, approved 10-5-1993]

E. Office of Financial Services. There shall be within the Department of Finance an Office of Financial Services, under the direction of the Director of Finance - Chief Financial Officer, which shall consist of the following divisions:

(3) Division of Purchasing and Central Services.

(a) Division established; Administrator. There shall be a Division of Purchasing and Central Services, the head of which shall be the Administrator of Purchasing and Central Services.

(b) Powers and duties. The Administrator of Purchasing and Central Services shall have the following powers and duties:

- [1] To make all purchases of supplies, materials, equipment and services for the County.
- [2] To contract, with the approval of the County Legislature, for all public work for the County.
- [23] To contract for the rental or servicing of equipment for the County, in accordance with requirements for competitive bidding and advertising set forth in the Administrative Code or, in the absence of such code provisions, as set forth in applicable law.
- [34] To purchase for civil divisions within the County, if approved by the County Legislature and the governing boards of such divisions, on such basis as may be mutually agreed upon.
- [35] To sell any surplus supplies, materials or equipment, and to make such other sales as may be authorized by the County Legislature.
- [46] To enter into and execute all contracts or other agreements necessary to carry out his or her duties hereunder, as authorized by the County Legislature, the County Executive or pursuant to the Administrative Code or other applicable law.
- [57] To transfer supplies, materials and equipment among County departments, offices and other agencies, subject to the approval of the heads thereof and the County Executive.

[68] To be responsible for the proper maintenance of all current inventories of supplies, materials and equipment owned or under the jurisdiction of the County, and to oversee the keeping of records and the operation of any storeroom or warehouse operated by the County.

[72] To establish, provide or approve suitable specifications or standards for all supplies, materials, equipment, services and public work to be purchased for the County; to inspect all deliveries to determine their compliance with such specifications and standards; and to accept or reject such deliveries in accordance with the results of any inspection.

[810] To invite or require competitive bidding before making any purchase or sale, in accordance with requirements therefor set forth in the Administrative Code or, in the absence of such code provisions, as set forth in applicable law.

[911] To furnish supplies, materials, equipment, contractual services or public work to County departments, offices or other agencies only upon receipt of properly approved requisitions and only if an unencumbered appropriation sufficient to pay for the same is available.

[1012] To have charge over and supervise a central duplicating service, copying machines, a central mail room and such other central services as may be determined and assigned by the County Executive.

[1113] To provide information to Minority and Women Business Enterprises (MWBE) firms of upcoming construction, engineering and architectural services procurements, and report to the Legislature with an MWBE registration list annually.

[Added 6-10-2014 by L. L. No. 2-2014[1]]

[1] Editor's Note: This local law also renumbered former Subsection E(3)(b)[11] as Subsection E(3)(b)[13].

[1214] To require MWBE utilization plans for construction, engineering and architectural services prior to contract award.

[Added 6-10-2014 by L. L. No. 2-2014]

[1315] To perform such other duties as may be required by the Administrative Code and other laws.

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§ C6-6 Department of Law.

B. Powers and duties. The County Attorney shall have the following powers and duties:

[Amended 9-10-1996 by L.L. No. 4-1996, approved 9-30-1996]

(1) To serve as the legal advisor for the County and, on its behalf in County matters, of its officers and agencies.

(2) To serve as legal advisor to the County Legislature.

(3) To advise all County officers and employees in all County matters of a legal nature and, where in the interests of the County, prepare all necessary papers and written instruments in connection therewith.

(4) To prosecute or defend all actions or proceedings of a civil nature by or against the County.

(5) To prepare resolutions, legislation, legalizing acts and local laws to be presented for action by the County Legislature, together with notices and other items in connection therewith.

(6) To represent petitioners in and upon request of Family Courts, pursuant to § 254 of the Family Court Act of the State of New York.

(7) To appear on behalf of and represent petitioners in proceedings instituted pursuant to the Uniform Support of Dependents Law, Article 3-A, Domestic Relations Law of the State of New York.

- (8) To initiate and execute tax foreclosure proceedings.
- (9) To appoint one or more Deputy County Attorneys, subject to the approval of the County Executive.
- (10) To create divisions of the Department as required, with approval of the County Executive.
- (11) Upon the approval of the County Legislature, retain outside counsel, when deemed necessary based upon his/her investigation and review of the facts and circumstances of a matter.
- (12) [1]To perform such additional acts and related duties as may be prescribed by law, by the Administrative Code, by the County Executive or by resolution of the County Legislature.

[1] Editor's Note: Former Subsection B(11), regarding management of County real property holdings, was repealed 11-14-2000 by L.L. No. 6-2000, approved 12-12-2000.

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§ C6-20 Department of Environmental Services.

[Added 6-9-1992 by L.L. No. 5-1992, approved 7-2-1992[1]]

A. Department established; Director. There shall be a Department of Environmental Services, the head of which shall be the Director of Environmental Services.

B. Powers and duties. The Director shall have the following powers and duties:

[Amended 9-10-1996 by L.L. No. 4-1996, approved 9-30-1996]

- (1) To be responsible for the development, operation and maintenance of all sewage treatment and disposal facilities and trunk sewer systems constructed by the County, including additions thereto.
- (2) To make agreements with the various municipalities or districts to assume responsibility for the operation and maintenance of any existing treatment and disposal facilities, trunk lines and transmission lines and any additions thereto.
- (3) To plan, operate services and develop the necessary regulations and powers relating to County facilities for flood control and drainage control.
- (4) To be responsible for the planning, development, operation and maintenance of all solid waste handling facilities owned or contracted for by the County.
- (5) To make agreements with the various municipalities or districts for the handling of solid waste.
- (6) To manage resource recovery facilities in such a way as to maximize recycling and minimize the use of landfills.
- (7) To create divisions of this Department as required, with approval of the County Executive.
- (8) To provide technical engineering, design, land survey and architectural support when necessary to County departments, offices and agencies.
- (9) To ensure that the materials used in the construction of County facilities meet quality specifications.
- (10) [2]To operate and maintain the facilities of the County to meet current and future needs of County residents.

[Added 1-14-2003 by L.L. No. 6-2003, approved 1-30-2003[3]]

[2] Editor's Note: Former Subsection B(10), regarding management of County real property holdings, added 11-14-2000 by L.L. No. 6-2000, was repealed 6-10-2014 by L.L. No. 2-2014. This local law also renumbered former Subsection B(11) through (14) as Subsection B(10) through (13), respectively.

[3] Editor's Note: Section 3 of this local law was subject to permissive referendum. No valid petition requesting same was filed as of 3-31-2003.

(11) To be responsible for the design, construction, maintenance, alterations, renovations, and operation of all county buildings, grounds and equipment to meet current and future needs of county residents.

[Added 1-14-2003 by L.L. No. 6-2003, approved 1-30-2003; amended 6-10-2014 by L. L. No. 2-2014]

(12) To develop and implement, with the approval of the County Legislature, the most effective and efficient management methods for maintenance, distribution and replacement of rolling stock motor equipment owned and leased by the county for purposes of providing county services.

[Added 1-14-2003 by L.L. No. 6-2003, approved 1-30-2003]

(13) To perform such other duties as may be required by the Administrative Code and other laws.

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Part II ADMINISTRATIVE CODE

Chapter A. ADMINISTRATIVE CODE

Part 2. Legislature and Executive

Article V. County Executive

§ A5-5 ~~Delegation to County Executive of power to create and abolish positions.~~

~~In accordance with the provisions of § C2-6C(7) and § C3-2A(11) of the County Charter, the County Executive is delegated the power to create and abolish positions in the classification, compensation plan and salary schedule established by the County Legislature in group 15 and below and within budgetary appropriations therefor adopted by the County Legislature. [Intentionally omitted]~~

§ A5-6. Delegation to County Executive and President of Legislature power to authorize, enter into and execute agreements and contracts.

[Amended 9-8-1998 by L.L. No. 3-1998, *Editor's Note: This local law was subject to permissive referendum. No valid petition requesting same was filed as of 11-16-1998. approved 10-1-1998*]

A. Except as set forth in Subsection B below and in accordance with the provisions of § C2-6C(13) and § C3-2A(17) of the County Charter and within budgetary appropriations adopted by the County Legislature, the County Executive is delegated the power to authorize, enter into and execute any agreement or contract on behalf of the County for goods and services where the total consideration thereof is ~~\$20,000~~ \$5,000 or less and any lease, rental, occupancy or other agreement for space needed for County activities for a term or terms not to exceed five years.

[Amended 6-10-2014 by L. L. No. 2-2014]

B. In accordance with provisions of § C2-6C(13) and § C2-4B(10) of the County Charter, the President of the Legislature is delegated the power to authorize, enter into and execute any agreement or contract on behalf of the County for the operation of the County Legislature, its staff and committees, and for goods and services where the total consideration thereof is \$5,000 or less.

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Part III ADMINISTRATIVE LOCAL LAWS (Chapters I through 200)
Chapter 25 Contracts and Purchasing

§ 25-2 Responsibilities of Purchasing Manager; public bidding procedures.

A. The County Purchasing Manager shall be responsible for ensuring that all purchase contracts and public works contracts administered by the Division of Purchasing are made in accordance with requirements of all public purchasing and other contract laws.

B. In connection with the performance of his/her powers and duties as set forth in the Monroe County Charter, the Purchasing Manager shall:

- (1) Act to procure for the county the highest quality supplies and services at the least expense to the county.
- (2) Establish uniform specifications for the county so that volume discounts may be obtained where practical.
- (3) Endeavor to obtain as full and open competition as possible on all purchases and sales.
- (4) Prescribe rules and procedures for the uniform procurement of supplies and service for the county.

C. Except as otherwise provided in the Monroe County Charter or Administrative Code or by law, it shall be unlawful for any county official or employee of any county agency, except for persons under the direct supervision and control of the Purchasing Manager, or to whom he has delegated such authority, to order the purchase of or enter into a purchase contract for any materials, supplies, equipment or apparatus or related services.

D. Public bids shall be required, received and read in accordance with all provisions of law. Advertisements for public bids shall be made in an official newspaper designated by the County Legislature.

E. ~~Award of purchase contracts which result from public bids shall be made to the lowest responsive and responsible bidder in accordance with the requirements of the General Municipal Law. Award of public works contracts and equipment leases which result from public bids shall be made, with the approval of the County Legislature, to the lowest responsive and responsible bidder in accordance with the requirements of the General Municipal Law.~~ In cases where two or more responsible bidders submit identical bids as to price, and all other terms and conditions are identical, preference may be given to a bidder whose place of business is within Monroe County. Otherwise, award may be made by drawing lots, or by whatever other method is deemed appropriate by the Purchasing Manager, or all bids may be rejected and new bids sought by readvertisement.

F. In the absence of public bidding requirements, all purchase contracts and public works contracts shall, wherever feasible and cost effective, be based on at least three competitive ~~quotations quotations~~ and shall be awarded to the lowest responsive and responsible bidder. The Purchasing Manager may solicit quotations by such method or methods, including direct mail and telephone, as he/she shall deem suitable.

G. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the county require immediate action which cannot await competitive bidding, purchase contracts or public works contracts may be let without such competitive bidding upon certification by the county official requesting the emergency purchase or public work contract using procedures promulgated by the Purchasing Manager and approved by the County Attorney.

H. In accordance with the General Municipal Law, the Purchasing Manager may, with the approval of the County Legislature, enter into a purchase contract with a single supplier without carrying out public bidding procedures if the supplier receives designation as a sole source vendor under procedures promulgated by the Purchasing Manager and approved by the County Attorney.

I. In accordance with § 408-a of the County Law, the Purchasing Manager is authorized to include a provision in any county contract which permits purchases under such contract by any political subdivision, fire company or district located in whole or in part in Monroe County; provided, however, that the political subdivision, fire company or district accepts sole responsibility for any payment to the vendor.

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Section 2. If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Matter of Urgency
File No. 19-0XXX

ADOPTION: Date: _____, 2019 Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

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